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8 **United States District Court**
9 **Central District of California**

10 JESUS VARGAS.

11 Plaintiff,

12 v.

13 THE BOEING COMPANY et al.,

14 Defendants.

15 Case № 2:25-cv-04288-ODW (PVCx)

16 **ORDER DENYING MOTION TO**
DISMISS AS MOOT [15]

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1 On June 3, 2025, Defendant The Boeing Company served Plaintiff Jesus Vargas
2 with a Federal Rule of Civil Procedure 12(b)(6) motion to dismiss the First Amended
3 Complaint in this case. (ECF No. 15.) On June 16, 2025, pursuant to the stipulation
4 of the parties and the Court's leave, Plaintiff filed a Second Amended Complaint.
5 (ECF No. 19.) Federal Rule of Civil Procedure 15(a)(2) allows plaintiffs to file an
6 amended complaint with the opposing party's written consent or the court's leave.
7 Therefore, Plaintiff's Second Amended Complaint was proper. As the pending
8 motion to dismiss is based on a pleading that is no longer operative, the motion is
9 **DENIED** as **MOOT**. (ECF No. 15); *see Ramirez v. County of San Bernardino*,
10 806 F.3d 1002, 1008 (9th Cir. 2015).

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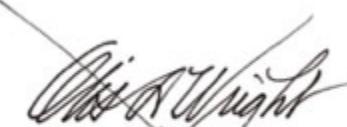
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IT IS SO ORDERED.

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June 17, 2025

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17 **OTIS D. WRIGHT, II**
18 **UNITED STATES DISTRICT JUDGE**

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